

SPILL RESPONSE AND RECOVERY

EMERGENCY ENDANGERED SPECIES CONSULTATION

This form is intended for documentation of emergency consultation with the U.S. Fish and Wildlife Service (FWS) for species listed and critical habitat designated under the Federal Endangered Species Act (ESA). This form is intended to streamline consultation when emergency spill response activities may affect federally listed species and/or critical habitat, as provided for in 50 CFR Part 402.05, Emergencies.

Emergency Contact: FWS should be contacted as soon as possible by telephone, text, or email. Response or return receipt is recommended. This form should be completed within 24 hours following notification of the emergency and transmitted via email to the local FWS field office regarding emergency spill response actions and listed species.

Instructions for Completing the Form

Pages 1-4: The Federal On-Scene Coordinator (FOSC) or other person designated by the FOSC for ESA consultation should complete these pages. All response actions should be indicated, including any pre-approved practices to avoid or minimize impacts to listed species and their critical habitats. This can be accomplished by employing the FWS' on-line Information for Planning and Consultation (IPaC) database by accessing it via website <http://www.ecos.fws.gov/ipac>. IPaC provides users with the tools to quickly and easily identify FWS managed resources. It identifies the listed species and critical habitat within the area designated by the user. If there are none, then the FWS can follow the requirements of 50 CFR 402 and make a No Effect determination for the action. If there are any, then these species or critical habitats should be recorded in the Protected Species Checklist that is part of this template. The use of IPaC can allow the FOSC to fulfill their initial ESA Section 7 obligations without having, if they choose, to contact FWS.

Another way that the FOSC can determine whether there are listed species or critical habitat in the affected area is to request technical assistance from the FWS. Or, he or she can use the IPaC database and discuss its results with FWS staff.

Pages 5-6: FWS will assist in determining the presence of protected resources, recommend conservation measures, and determine effects.

Pages 7-8: Post Emergency

Once the emergency response and recovery actions are over, page 7 will be completed and the FOSC will request concurrence on their determination of effect.

If adverse effects occurred to listed species or critical habitat from the emergency response and recovery activities, formal consultation with FWS will be completed.

AWAITING A RESPONSE FROM FWS SHOULD NOT DELAY EMERGENCY RESPONSE ACTIVITIES.

The responding agency will implement as many conservation measures as feasible without delaying the response. FWS will be available for further coordination as requested.

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DATE OF TRANSMITTAL:

FROM: FOSC	NAME: Adam Adams, USEPA EMAIL: adams.adam@epa.gov	t: Click or tap here to enter text. c: 214-202-6952
TO: USFWS	NAME: David Hoth, TCESFO EMAIL: david_hoth@fws.gov	t: 281-286-8282, ext 26504 c: 281-705-7436
THRU:	NAME: Susan King, DOI EMAIL: susan_king@ios.doi.gov	t: 505-563-3572 c: 505-331-4653

NAME OF INCIDENT: ITC Tank Fire

DATE OF INCIDENT: 03/17/19

LOCATION INFORMATION: ITC Deer Park, Houston, Texas

CENTER LOCATION (NAD 83)	LATITUDE: 29 43 57 N	LONGITUDE: 095 05 29 W
LOCATION TYPE	CHECK ALL THAT APPLY	NAME/LANDMARKS
Port/Industrial/Canal	<input checked="" type="checkbox"/>	Houston Ship Channel (HSC), San Jacinto State Park. Area of operations bounded by Beltway 8 Bridge (HSC), I-10 Bridge (San Jacinto), Fred Hartmann Bridge/146 (HSC)
Riverine/Wetland	<input checked="" type="checkbox"/>	
Inshore/Estuarine	<input checked="" type="checkbox"/>	
Nearshore/Coastal	<input type="checkbox"/>	
Offshore/EEZ	<input type="checkbox"/>	

DESCRIPTION OF INCIDENT: Be as complete as possible. Include information on the type and amount of material spilled, initial impacts, and other relevant details.

Click or tap here to enter text.

One tank (naptha) in a secondary containment area at ITC Deer Park ignited on March 17, 2019. Multiple tanks were eventually involved in the fire, which was extinguished on March 20. Some fire-fighting water, fire-fighting foam (AFFF), and product discharged from the tanks into the secondary containment was discharged through an underflow outfall into a draining ditch leading to Tucker Bayou. Tucker Bayou is a tributary to the Houston Ship Channel. Total quantity of discharge unknown. On March 22, a secondary containment wall was breached. An estimated 80,000 bbls of fire-fighting water,

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product from tanks, and AFFF was discharged from the containment area into Tucker Bayou. Products in tanks were petroleum based and included naptha, gasoline blend stock, pyrolosis gas (pygas), base oil (similar to mineral oil), xylene and toluene. Total amount and percent of each type unknown.

Response activities include skimming, booming, shoreline surveys, and shoreline clean up activities such as flushing and placing of sorbent materials. Most areas of high quality habitat in the response areas were boomed in accordance with Geographical Response Plans (GRPs) in the Texas Oilspill Toolkit.

Overflights are being conducted with rotary aircraft and drones.

Response activities are concentrated in several areas of heavier oil, most of which are industrial uses. These include Tucker Bayou, San Jacinto Terminal, Carpenter's Bayou, Old River, and the Bostco Facility on Barnes Island.

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RESPONSE ACTIONS (Check All That Apply)

ACTION		DETAILS / NOTES
Boom	<input checked="" type="checkbox"/>	Click or tap here to enter text.
Sorbents	<input checked="" type="checkbox"/>	Click or tap here to enter text.
Skimmers	<input checked="" type="checkbox"/>	Click or tap here to enter text.
Vacuuming	<input checked="" type="checkbox"/>	Click or tap here to enter text.
Dispersants	<input type="checkbox"/>	Click or tap here to enter text.
Solidifiers	<input type="checkbox"/>	Click or tap here to enter text.
Barriers/Berms/Fences	<input checked="" type="checkbox"/>	Tucker Bayou drainage ditch
Snares	<input type="checkbox"/>	Click or tap here to enter text.
In-situ Burning	<input type="checkbox"/>	Click or tap here to enter text.
Trenching	<input type="checkbox"/>	Click or tap here to enter text.
Flooding/Flushing	<input checked="" type="checkbox"/>	Click or tap here to enter text.
Pre-oiling Debris Removal	<input type="checkbox"/>	Click or tap here to enter text.
Oiled Vegetation Removal	<input type="checkbox"/>	Click or tap here to enter text.
Oiled Debris Removal	<input checked="" type="checkbox"/>	Click or tap here to enter text.
Sediment Removal	<input type="checkbox"/>	Click or tap here to enter text.
Vessel/Container Removal	<input type="checkbox"/>	Click or tap here to enter text.
Net Use or Trawling	<input type="checkbox"/>	Click or tap here to enter text.
Seismic Survey	<input type="checkbox"/>	Click or tap here to enter text.
Explosives	<input type="checkbox"/>	Click or tap here to enter text.
<u>Vessels/Vehicles</u>		
Boats	<input checked="" type="checkbox"/>	Click or tap here to enter text.
ATVs	<input type="checkbox"/>	Click or tap here to enter text.
Airplanes	<input type="checkbox"/>	Click or tap here to enter text.
Helicopters	<input checked="" type="checkbox"/>	Click or tap here to enter text.
Heavy Equipment	<input type="checkbox"/>	Click or tap here to enter text.
Staging Areas	<input checked="" type="checkbox"/>	Click or tap here to enter text.

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HABITAT TYPES CHECKLIST

Habitat Type	Occurs in Response Area	Will Affect	Will Not Affect
Beach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coastal Lagoon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dune	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Seagrass	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intertidal/Mud Flats	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lake/Lacustrine (freshwater)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Riverine/Riparian (freshwater)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Estuarine wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Salt/Tidal Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wetland (freshwater)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: (list below)			
-Riverine oligohaline beaches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LIST ANY PRE-APPROVED RESPONSE METHODS TO BE USED

METHOD(s)	LOCATION(S) [GRA#(s), Shoreline Operational Division(s), Sensitive Site ID(s)]	REFERENCE FOR PRE- APPROVAL (RCP, ACP, Sec. 7, etc.)
Booming	Divisions A,B,C,D	ACP - GRPs
Skimming	Divisions A,B,C,D	Click or tap here to enter text.
Sorbents (recovered)	Divisions A,B,C,D	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

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PROTECTED SPECIES CHECKLIST¹

SPECIES	Occurs in Response Area	Critical Habitat in Response Area? ²
-Least Tern (IPAC)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-Piping Plover (IPAC)	<input type="checkbox"/>	<input type="checkbox"/>
-Red Knot (IPAC)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-West Indian Manatee (IPAC)	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>

¹ This table focuses on federally listed threatened or endangered species in coastal, estuarine, and inland areas that may be susceptible to oil spills, but does not identify all federally listed species that could be affected. Other federally listed species not listed in this table should be identified appropriately in rows listed under 'Other'.

² U.S. Fish & Wildlife Service, Southwest Region Critical Habitat in RRT VI, U.S. critical habitat metadata can be found on USFWS ECOS Critical Habitat Portal page at: <http://ecos.fws.gov/crithab/>

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FISH AND WILDLIFE RECOMMENDED CONSERVATION MEASURES

Date	Recommendation(s) Provided	Applicable ESA-listed species	Accepted? (Y or N) with date	Implemented? (Y or N) with date
Standing, from TCESFO	Avoid deliberately flushing birds, for Gulf Beach area	Least tern, Red Knot	Yes 04/02/19	Yes 04/02/19
Standing, from TCESFO	Do not attempt to clean oiled tidal or sand flats without consulting natural resource agencies	Least tern, Red knot	Yes 04/02/19	Yes 04/02/19
Click or tap to enter a date.	Click or tap here to enter text.			
Click or tap to enter a date.	Click or tap here to enter text.			
Click or tap to enter a date.	Click or tap here to enter text.			
Click or tap to enter a date.	Click or tap here to enter text.			

EFFECTS TO SPECIES: (Description of potential impacts to individual species or critical habitat)

No critical habitat in response action area. Least terns or red knots may be flushed by response activities. Response activities such as cleaning or surveys may disturb least tern nesting.

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EFFECT DETERMINATION

SPECIES	No Effect	May Affect, but is Not Likely to Adversely Affect	May Affect, is Likely to Adversely Affect	
			Species	Critical Habitat
Amphibians/Reptiles				
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (list below)				
-West Indian Manatee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Birds				
-Least Tern	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-Piping Plover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-Red Knot	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (list below)				
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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CONCURRENCE REQUESTED BY:

Adelady 04032019
FOSC Date

FISH AND WILDLIFE FIELD OFFICE EVALUATION:

Concurrences

☐ **No Effect** The Service does not provide concurrences on “no effect” determinations. However, by making a determination we believe section 7 (a)(2) of the Endangered Species Act of 1973, as amended was complied with.

“May affect, but is not likely to adversely affect” ☐ Concurrence ☐ Nonoccurrence

“May affect, is not likely to adversely affect” ☐ Concurrence ☐ Nonoccurrence

“Is not likely to adversely modify critical habitat” ☐ Concurrence ☐ Nonoccurrence

☐ Formal Consultation/Conference recommended

☐ Informal conference recommended

Remarks (attach additional pages as needed):

Click or tap here to enter text.

Field Supervisor, Texas Coastal ESFO

Date